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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,170	06/12/2001	Olga Milosavljevic	SCHB-4100	5814
20350 7590 02/16/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
OYEBISI, OJO O				
ART UNIT		PAPER NUMBER		
3695				
MAIL DATE		DELIVERY MODE		
02/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/880,170

Applicant(s)

MILOSAVLJEVIC ET AL.

Examiner

OJO O. OYEBISI

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7, 9, 11-20, 36, 39-41 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-2, 4-5, 7, 9, 11-20, 36, 39-41, and 43-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In the amendment filed on 06/23/09, the following have occurred: Claims 1-2, 4-5, 7, 9, 11-20, 36, 39-41, and 43-48 are pending in the present application, claims 1-2, 4-5, 7, 9, 11-20, 36, 39-41, 43, and 44 have been rejected- Claims 1 and 17 have been amended, and claims 46-48 have been added. By this amendment, the examiner has withdrawn the rejections of claims 1-2,4-5,7,9,11-20,36,39-41 and 43-44 under 35 USC 101. However, this amendment has also necessitated the restriction requirement set forth in this office action.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, 35-53 drawn to a method for a method for using a desktop including a display for forecasting a likelihood that a customer's assets held in a plurality of different types of customer accounts at retirement meet in-retirement goals, including, but not limited to, an annual income withdrawal goal, an estate goal, and a years in retirement goal, comprising: inputting said income withdrawal goal, said estate goal, said years in retirement goal, and a current asset allocation, and identifying one of said in-tenement goals as a priority goal, classified in class 705, subclass 35.
 - II. Claim 34, drawn to a method for using a computer for forecasting a likelihood that a customer's assets held in a plurality of different types of

customer accounts at retirement meet in-retirement goals, including, but not limited to, an annual income withdrawal goal, an estate goal, and a years in retirement goal, comprising: receiving said income withdrawal goal, said estate goal, said years in retirement goal, and a current asset allocation, and identifying one of said in-tenement goals as a priority goal, classified in class 705, subclass 30.

2. The inventions are distinct, each from the other because of the following reasons:

- Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I relates to a method for using **a desktop including a display** for forecasting a likelihood that a customer's assets held in a plurality of different types of customer accounts at retirement meet in-retirement goals, including, but not limited to, an annual income withdrawal goal, an estate goal, and a years in retirement goal, comprising: **inputting** said income withdrawal goal, said estate goal, said years in retirement goal, and a current asset allocation, and identifying one of said in-tenement goals as a priority goal, whereas Invention II has a divergent scope and utility of using **a computer** for forecasting a likelihood that a customer's assets held in a plurality of different types of customer accounts at retirement meet

in-retirement goals....., comprising: **receiving** said income withdrawal goal, said estate goal, said years in retirement goal, and a current asset allocation, and identifying one of said in-tenement goals as a priority goal. The examiner contends that while most desktops are computers, nonetheless not all computers are desktops. Further, the examiner contends that the method of inputting data is not one and the same as the method of receiving data. Hence inventions I and II have recognized divergent scope and utility, and the search required for Group I is not required for Group II.

3. Since these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/

Primary Examiner, Art Unit 3696